

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:00-CR-29

v.

HON. ROBERT HOLMES BELL

DEMETRIS ALPHONSE JAMES,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #66). Based on a review of defendant's motion, the Sentence Modification Report, submissions by counsel on behalf of the defendant and the government, and the original criminal file, the Court has determined that the motion should be denied for the following reason(s):

According to the Sentencing Modification Report prepared by the Probation Department, defendant is currently involved in the 180 day community confinement portion of the Bureau of Prison's Residential Drug Abuse Program. Upon successful completion of this program, it appears defendant would receive 6 months off his original sentence. If the Court were to grant the defendant's motion for modification or reduction of sentence, the defendant would be precluded from completing the program.

Drug treatment was an essential part of this Court's sentence, as evidenced by the recommendation to the Bureau of Prisons that defendant participate in the 500 Hour Intensive Drug Treatment Program, followed by drug aftercare while on supervised release. To grant a reduction in defendant's sentence, which would take him out of the drug abuse program, would not be in the best interest of either the defendant nor the community to which he is released.

Date: May 22, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE